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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
HUNTSVILLE LOAN AKA THE  
WEST HILLS PARK LOAN**

Date of Hearing: September 23, 2010  
Time of Hearing: 10:30 a.m.  
Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
HUNTSVILLE LOAN AKA WEST HILLS PARK LOAN. THE USACM TRUST**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 **CONTENDS THAT YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR**  
2 **INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND**  
3 **OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT**  
4 **GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT**  
5 **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**  
6 **INVESTMENT IN A DIFFERENT LOAN.**

7 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
8 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
9 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
10 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
11 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
12 **HINDERAKER (520-629-4430).**

13 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
14 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
15 Investment in the Huntsville Loan (with Certificate of Service) (the “Objection”). Your  
16 Proof of Claim number and other information regarding your claim is provided in **Exhibit**  
17 **A**, attached to the Objection. The USACM Liquidating Trust has requested that this Court  
18 enter an order, pursuant to section 502 of title 11 of the United States Code (the  
19 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
20 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an  
21 investment in the Huntsville Loan. The Objection will not impact your Claim to the extent  
22 it is based upon an investment in a different loan.

23 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
24 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
25 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
26 **September 23, 2010, at the hour of 10:30 a.m.**

1 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON  
2 SEPTEMBER 23, 2010, WILL BE HELD FOR THE PURPOSE OF STATUS  
3 CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO  
4 ARGUMENTS WILL BE HEARD ON THAT DATE.

5 NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any  
6 response to the objection must be filed and service must be completed no later than  
7 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
8 facts and any relevant legal authority.

9 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
10 pleading with the Court. You *must* also serve your written response on the person who  
11 sent you this notice.

12 If you do not file a written response with the Court, or if you do not serve your  
13 written response on the person who sent you this notice, then:

- 14 • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
15 • The Court may *rule against you* and sustain the objection without formally  
16 calling the matter at the hearing.

17 Dated: August 17, 2010.

18 LEWIS AND ROCA LLP

19 By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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21 Las Vegas, Nevada 89169

E-mail: JHinderaker@lrlaw.com

22 Attorneys for the USACM Liquidating Trust

23 Copy of the foregoing mailed by first  
24 class postage prepaid U.S. Mail on  
August 17, 2010 to all parties listed on  
Exhibit A attached to the objection.

25 s/ Marilyn Schoenike

26 LEWIS AND ROCA LLP